

1-1 By: Parker, et al. (Senate Sponsor - Carona) H.B. No. 1205  
1-2 (In the Senate - Received from the House April 22, 2013;  
1-3 April 22, 2013, read first time and referred to Committee on  
1-4 Criminal Justice; May 9, 2013, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the offense of failure to report abuse or neglect of a  
1-18 child.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 261.109, Family Code, is amended to read  
1-21 as follows:

1-22 Sec. 261.109. FAILURE TO REPORT; PENALTY. (a) A person  
1-23 commits an offense if the person is required to make a report under  
1-24 Section 261.101(a) [~~has cause to believe that a child's physical or~~  
1-25 ~~mental health or welfare has been or may be adversely affected by~~  
1-26 ~~abuse or neglect]~~ and knowingly fails to make a report as provided  
1-27 in this chapter.

1-28 (a-1) A person who is a professional as defined by Section  
1-29 261.101(b) commits an offense if the person is required to make a  
1-30 report under Section 261.101(b) and knowingly fails to make a  
1-31 report as provided in this chapter.

1-32 (b) An offense under Subsection (a) [~~this section]~~ is a  
1-33 Class A misdemeanor, except that the offense is a state jail felony  
1-34 if it is shown on the trial of the offense that the child was a  
1-35 person with an intellectual disability [~~mental retardation]~~ who  
1-36 resided in a state supported living center, the ICF-MR component of  
1-37 the Rio Grande State Center, or a facility licensed under Chapter  
1-38 252, Health and Safety Code, and the actor knew that the child had  
1-39 suffered serious bodily injury as a result of the abuse or neglect.

1-40 (c) An offense under Subsection (a-1) is a Class A  
1-41 misdemeanor, except that the offense is a state jail felony if it is  
1-42 shown on the trial of the offense that the actor intended to conceal  
1-43 the abuse or neglect.

1-44 SECTION 2. The changes in law made by this Act to Section  
1-45 261.109, Family Code, apply only to an offense committed on or after  
1-46 the effective date of this Act. An offense committed before the  
1-47 effective date of this Act is governed by the law in effect on the  
1-48 date the offense was committed, and the former law is continued in  
1-49 effect for that purpose. For purposes of this section, an offense  
1-50 was committed before the effective date of this Act if any element  
1-51 of the offense occurred before that date.

1-52 SECTION 3. This Act takes effect September 1, 2013.

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